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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,117	06/15/2001	Richard Mervyn Gardner		9196

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UNITED KINGDOM

EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/881,117

**Applicant(s)**

GARDNER, RICHARD MERVYN

**Examiner**

Pramila Parthasarathy

**Art Unit**

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This action is in response to the communication filed on July 07, 2005.

### ***Response to Arguments***

2. Applicant's arguments filed on July 07, 2005 have been fully considered but they are not persuasive. Arguments regarding Claims 1 – 13 are moot as they have been withdrawn. Applicant has not submitted any argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, in the instant application claims 14 – 20, explaining how the claims avoid the references or distinguish from them and merely reciting new independent claim 14 and stating that it clearly distinguishes the application from prior art is not explaining how the claim avoid the references or is it distinguish from the references.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2136

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14 – 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mosley (U.S. Patent Number 5,251,259).

5. Regarding Claim 14, Mosley teaches and describes an access card and authentication system in which a registered user may be verified by the user providing, from an array of data provided, a series of elements which together comprise a specific predetermined verification code which varies on each and every occasion of use (Summary and Column 4 line 15 – Column 6 line 23).

6. Regarding Claim 15, Mosley teaches and describes an access card and authentication system comprising a central computer and one or more card reading terminals provided at remote locations and able to communicate with the central computer in order to verify the validity of the access card being presented and read at the terminals, such cards being authenticated by the user providing, from an array of data provided a series of elements which together comprise a specific predetermined verification code which varies on each and every occasion of use (Summary and Column 4 line 15 – Column 6 line 23).

7. Claim 16 is rejected as applied above in rejecting Claim 15. Furthermore, Mosley teaches and describes wherein the array of data comprises digits or letters provided for

each day of the months, some or all of which are required as elements of a specific verification code for that day (Summary and Column 5 line 6 – Column 6 line 14).

8. Claim 17 is rejected as applied above in rejecting Claim 16. Furthermore, Mosley teaches and describes wherein the series of elements together comprising a specific verification code include one or more elements from a Fixed Person Identification Number ("PIN") (Summary and Column 4 line 15 – Column 6 line 23).

9. Claim 18 is rejected as applied above in rejecting Claim 17. Furthermore, Mosley teaches and describes wherein from the array of data the series of elements comprising the specific verification code for each occasion of use are determined by the day of the week, that date and the month together with one or more codes from the Fixed PIN as indicated by reference to that array, the day and use number on that day (Summary and Column 4 line 15 – Column 6 line 23).

10. Claim 19 is rejected as applied above in rejecting Claim 18. Furthermore, Mosley teaches and describes wherein the particular elements of the codes determined as set forth therein are provided by the cardholder by input into a remote terminal connected to a central computer in the particular order prompted by that central computer (Summary and Column 4 line 15 – Column 6 line 23).

***Allowable Subject Matter***

**11.** Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Mosley teaches and describes the particular elements of the codes determined as set forth therein are provided by the cardholder by input into a remote terminal connected to a central computer in the particular order prompted by that central computer but fails to disclose or even suggest wherein the particular elements of the codes determined as set forth therein comprise part of a single use payment card number associated with a payment card and payment card system for use on that specific occasion.

***Conclusion***

**12.** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**13. Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.


**14.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

**15.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy  
August 27, 2005.

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100